

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-103-FDW**

STANLEY CORBETT, JR.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
FRANK PERRY, et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court on the North Carolina Department of Public Safety's ("NC DPS") Sealed Notice, (Doc. No. 14), informing the Court that it has been unable to procure a waiver of service of process for Defendants **Frank L. Perry, Paula Y. Smith M.D., Belquis Hopkins,¹ Gregory Haynes M.D., Lee Alan Rushing,² Sally J. Boss,³ Susan Patch,⁴ and Randy Vanscoten.⁵**

NC DPS has provided the last known addresses for Defendants Perry, Smith, Hopkins, Haynes, Rushing, and Boss. NC DPS has been unable to obtain the last known addresses for Defendants Vanscoten and Patch because they were contract employees. The Clerk of Court is directed to notify the United States Marshal that Defendants Perry, Smith, Hopkins, Haynes, Rushing, Boss, Patch, and Vanscoten need to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If NC DPS was unable to provide addresses, or if Defendants cannot be served at the addresses provided by the NC DPS, the U.S.

¹ "FNU Hopkins" in the Complaint.

² "FNU Rushin" in the Complaint.

³ "FNU Boss" in the Complaint.

⁴ "FNU Patch" in the Complaint.

⁵ "FNU Vanscotovan" in the Complaint.

Marshal shall be responsible for locating their home addresses so that these Defendants may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”). If the U.S. Marshal is unable to obtain service on Defendants Perry, Smith, Hopkins, Haynes, Rushing, Boss, Patch, and Vanscoten, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendants’ home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such addresses under seal.

IT IS THEREFORE ORDERED that:

- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain service on Defendants **Perry, Smith, Hopkins, Haynes, Rushing, Boss, Patch, and Vanscoten**. If the U.S. Marshal is unable to obtain service on these Defendants, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
- (2) The Clerk is respectfully instructed to mail a copy of the Complaint, (Doc. No. 1), the Sealed Notice containing Defendants’ last known addresses, (Doc. No. 14), and this Order to the U.S. Marshal.

Signed: October 11, 2018



Frank D. Whitney
Chief United States District Judge

